

MINUTES

MONTANA HOUSE OF REPRESENTATIVES 56th LEGISLATURE - REGULAR SESSION

COMMITTEE ON JUDICIARY

Call to Order: By **CHAIRMAN ROBERT C. CLARK**, on March 25, 1999 at 8:00 A.M., in Room 312 - 1 Capitol.

ROLL CALL

Members Present:

Rep. Robert C. Clark, Chairman (R)
Rep. Dan McGee, Vice Chairman (R)
Rep. Diana Wyatt, Vice Chairman (D)
Rep. Chris Ahner (R)
Rep. Shiell Anderson (R)
Rep. Paul Clark (D)
Rep. Aubyn A. Curtiss (R)
Rep. Tom Facey (D)
Rep. Steven Gallus (D)
Rep. Gail Gutsche (D)
Rep. Joan Hurdle (D)
Rep. Rick Jore (R)
Rep. Sam Kitzenberg (R)
Rep. Brad Molnar (R)
Rep. Mark Noennig (R)
Rep. Jim Shockley (R)
Rep. Loren Soft (R)
Rep. Carol Williams (D)
Rep. Cindy Younkin (R)

Members Excused: Rep. Bill Eggers (D)

Members Absent: None.

Staff Present: John MacMaster, Legislative Branch
Pam Schindler, Committee Secretary

Please Note: These are summary minutes. Testimony and discussion are paraphrased and condensed.

Committee Business Summary:

Hearing(s) & Date(s) Posted:
Executive Action: SB 476-Tabled; SB 186-Be
concurrent in as amended, SB

153-Be concurred in as amended, SB 251-Be concurred in as amended; SB 236-Be concurred in, SB 257-Be concurred in,; SB 258-Be concurred in as amended, SB 372-Be concurred in as amended, SB 472-Be concurred in as amended.

EXECUTIVE ACTION ON SB 186

Motion: REP. CURTISS moved that SB 186 BE CONCURRED IN.

Motion/Vote: REP. R. CLARK moved that SB 186 BE AMENDED. Motion carried 20-0.

EXHIBIT (juh67a0

1)

Motion: REP. NOENNIG moved that SB 186 BE CONCURRED IN AS AMENDED.

Motion/Vote: REP. SHOCKLEY moved that SB 186 BE AMENDED. Motion carried 20-0.

EXHIBIT (juh67a0

2)

Motion: REP. SHOCKLEY moved that SB 186 BE CONCURRED IN AS AMENDED.

Motion: REP. HURDLE moved that SB 186 BE TABLED. Motion failed on a voice vote.

Motion/Vote: REP. SHOCKLEY moved that SB 186 BE AMENDED. Motion carried 17-3 with Anderson, Jore, R. Clark voting no.

Motion/Vote: REP. WYATT moved that SB 186 BE AMENDED. Motion carried 16-4 with R. Clark, Jore, McGee, and Molnar voting no.

EXHIBIT (juh67a0

3)

Motion: REP. P. CLARK moved that SB 186 BE CONCURRED IN AS AMENDED.

Motion/Vote: REP. P. CLARK moved that SB 186 BE AMENDED. Motion carried 11-9 with Ahner, Anderson, R. Clark, Curtiss, Jore, McGee Shockley, Soft, and Younkin voting no.

EXHIBIT (juh67a0

4)

Motion/Vote: REP. ANDERSON moved SB 186-RECONSIDER P. CLARK'S AMENDMENT due to a possible conflict with R. Clark's 1st amendment that was passed. Motion carried 13-7 on a hand vote.

Motion/Vote: REP. P. CLARK SB 186-WITHDRAWS HIS AMENDMENT THEN ASKS SB 186 BE CONCURRED IN AS AMENDED. Motion carried 14-6 with Gallus, Gutsche, Hurdle, Noennig, Soft, and Williams voting no.
{Tape : 1; Side : A; Approx. Time Counter : 0 - 550}
{Tape : 1; Side : B; Approx. Time Counter : 0 - 346}

EXECUTIVE ACTION ON SB 153

Motion: REP. YOUNKIN moved that SB 153 BE CONCURRED IN.

EXHIBIT (juh67a0

5)

Motion/Vote: REP. SHOCKLEY moved that SB 153 BE AMENDED. Motion carried 18-2 with Jore and McGee voting no.

Motion/Vote: REP. YOUNKIN moved that SB 153 BE CONCURRED IN AS AMENDED. Motion carried 16-4 with R. Clark, Curtiss, Jore, and McGee voting no on a voice vote.

{Tape : 1; Side : B; Approx. Time Counter : 346 - 550}

{Tape : 2; Side : A; Approx. Time Counter : 0 - 73}

EXECUTIVE ACTION ON SB 251

Motion: REP. SHOCKLEY moved that SB 251 BE CONCURRED IN.

Motion/Vote: REP. WILLIAMS moved that SB 251 BE AMENDED. Motion carried 19-1 with Jore voting no.

Motion/Vote: REP. GALLUS moved that SB 251 BE CONCURRED IN AS AMENDED. Motion carried 19-1 with Jore voting no.

{Tape : 2; Side : A; Approx. Time Counter : 73 - 150}

EXECUTIVE ACTION ON SB 236

Motion: REP. ANDERSON moved that SB 236 BE CONCURRED IN.

Motion: REP. JORE moved that SB 236 BE AMENDED.

Substitute Motion/Vote: REP. YOUNKIN made a substitute motion SB 236-AMENDMENT. Substitute motion failed 7-13 with Anderson, P. Clark, Curtiss, Eggers, Facey, Gutsche, Hurdle, Jore, Kitzenberg, McGee, Wyatt, Molnar, and Soft voting no.

(returned back to the JORE amendment)

Jore AMENDMENT failed on a voice vote.

Motion/Vote: REP. ANDERSON moved that SB 236 BE CONCURRED IN.

Motion carried 17-3 with R. Clark, Curtiss, and Jore voting no.

{Tape : 2; Side : A; Approx. Time Counter : 150 - 550}

{Tape : 2; Side : B; Approx. Time Counter : 0 - 133}

EXECUTIVE ACTION ON SB 257

Motion: REP. YOUNKIN moved that SB 257 BE CONCURRED IN.

Motion/Vote: REP. SHOCKLEY moved that SB 257 BE AMENDED. Motion failed 1-19 on a voice vote.

Motion/Vote: REP. YOUNKIN moved that SB 257 BE CONCURRED IN.

Motion carried unanimously.

{Tape : 2; Side : B; Approx. Time Counter : 133 - 550}

{Tape : 3; Side : A; Approx. Time Counter : 0 - 113}

EXECUTIVE ACTION ON SB 258

Motion: REP. YOUNKIN moved that SB 258 BE CONCURRED IN.

Motion/Vote: REP. WYATT moved that SB 258 BE AMENDED. Motion carried 19-1 with Jore voting no.

Motion: REP. YOUNKIN moved that SB 258 BE CONCURRED IN AS AMENDED.

Motion: REP. SHOCKLEY moved that SB 258 BE AMENDED.

Motion/Vote: REP. SHOCKLEY moved SB 258-OFFERS SUBSTITUTE AMENDMENT. Motion carried unanimously.

Motion: REP. GALLUS moved that SB 258 BE CONCURRED IN AS AMENDED.

Motion/Vote: REP. NOENNIG moved that SB 258 BE AMENDED. Motion carried unanimously.

Motion/Vote: REP. ANDERSON moved that SB 258 BE CONCURRED IN AS AMENDED. Motion carried 18-2 with Jore and Molnar voting no.

{Tape : 3; Side : A; Approx. Time Counter : 113 - 414}

EXECUTIVE ACTION ON SB 372

Motion: REP. YOUNKIN moved that SB 372 BE CONCURRED IN.

Motion/Vote: REP. ANDERSON moved that SB 372 BE AMENDED. Motion carried unanimously.

EXHIBIT (juh67a0

6)

Motion: REP. AHNER moved that SB 372 BE CONCURRED IN AS AMENDED.

Motion/Vote: REP. ANDERSON moved that SB 372 BE AMENDED. Motion failed 8-12 with P. Clark, Eggers, Facey, Gallus, Gutsche, Hurdle, Kitzenberg, Noennig, Shockley, Soft, Williams, and Wyatt voting no.

Motion/Vote: REP. AHNER moved that SB 372 BE CONCURRED IN AS AMENDED. Motion carried 14-6 with R. Clark, Curtiss, Jore, McGee, Molnar, and Soft voting no.

{Tape : 3; Side : A; Approx. Time Counter : 414 - 550}

{Tape : 3; Side : B; Approx. Time Counter : 0 - 193}

EXECUTIVE ACTION ON SB 472

Motion: REP. AHNER moved that SB 472 BE CONCURRED IN.

Motion/Vote: REP. SHOCKLEY moved that SB 472 BE AMENDED. Motion carried unanimously.

Motion/Vote: REP. AHNER moved that SB 472 BE CONCURRED IN AS AMENDED. Motion carried unanimously.

{Tape : 3; Side : B; Approx. Time Counter : 193 - 360}

EXECUTIVE ACTION ON SB 476

Motion: REP. AHNER moved that SB 476 BE CONCURRED IN.

Motion/Vote: REP. AHNER moved that SB 476 BE AMENDED. Motion carried unanimously.

Motion: REP. AHNER moved SB 476.

Motion/Vote: REP. NOENNIG moved SB 476. Motion carried unanimously.

Motion: REP. AHNER moved that SB 476 BE CONCURRED IN AS AMENDED.

Motion: REP. YOUNKIN moved that SB 476 BE AMENDED.

Motion/Vote: REP. ANDERSON moved that SB 476 BE TABLED. Motion carried 12-8 with Eggers, Facey, Gallus, Molnar, Noennig, Williams, Wyatt, and Younkin voting no.

{Tape : 3; Side : B; Approx. Time Counter : 360 - 550}

{Tape : 4; Side : A; Approx. Time Counter : 0 - 130}

Rep. Kitzenberg handed out exhibits for SB 33 that has already been tabled previously.

EXHIBIT (juh67a0

7)

EXHIBIT (juh67a0

8)

Meeting adjourned.

HOUSE COMMITTEE ON JUDICIARY

March 25, 1999

PAGE 6 of 7

ADJOURNMENT

Adjournment: 11:40 A.M.

REP. ROBERT C. CLARK, Chairman

PAM SCHINDLER, Secretary

RC/PS

EXHIBIT (juh67aad)